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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,974	12/29/2000	Hiroyo Masuda	FUJS 18.150	9067
7590 07/09/2004 Katten Muchin Zavis Rosenman 575 Madison Avenue New York, NY 10022-2585			EXAMINER LE, NHAN T	
			ART UNIT 2685	PAPER NUMBER
			DATE MAILED: 07/09/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,974

Applicant(s)

MASUDA ET AL.

Examiner

Nhan T Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10; 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-18 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it exceeds 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's admitted prior art.

As to claim 1, Applicant's admitted prior art teaches a mobile switching center comprising determining section for determining whether a call request is a call from a first multicall communication mode supporting terminal which is capable of supporting a

plurality of calls at a time or from a single-call communication mode supporting terminal which is capable of supporting only a single call at a time (see page 5, line 23- page 6, line 2); event detecting section for detecting event caused by a handover occurrence or fluctuation of congesting state (see page 5, lines 24-26); and call-number changing section capable of changing the number of continuing calls of the first multicall communication mode supporting terminal which is determined by the determining section, when an event is detected by the event detecting section detects any event during the communication (see page 6, lines 3-13).

Allowable Subject Matter

Claims 2-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 2, the applied reference fails to teach the call-number changing section comprises: special message notifying section capable of transmitting a special message having inserted therein the number of calls changing information regarding the increases and decreases of the plurality of calls, to a base station controller for controlling a base station and the first multicall communication mode supporting terminal; reply receiving section for receiving a reply regarding a desired call to continue which is selected by the first multicall communication mode supporting terminal from the plurality of calls which are notified by the special message notifying section; and handover rearranging section for rearranging the connection status in such a manner that the desired call to continue which is designated in the reply received by the reply

receiving section is maintained and an undesired call which is not selected by the first multicall communication mode supporting terminal is disconnected as cited in the claim.

As to claim 3, the applied reference fails to teach the call-number changing section comprises: call selecting section for selecting a call to be disconnected from the plurality of calls under communication based on a predetermined condition; call disconnect notifying section for transmitting a call disconnect message to the first multicall communication mode supporting terminal corresponding to the disconnected call selected by the call selecting section; reply receiving section capable of receiving a reply regarding a desired call to continue selected by the first multicall communication mode supporting terminal which received the disconnect message from the call disconnect notifying section; and handover rearranging section for maintaining connection corresponding to the desired call to continue which is designated by the reply received by the reply receiving section and disconnect an undesired call to continue selected from the plurality of calls by the first multicall communication mode supporting terminal as cited in the claim.

Claims 13-18 are allowed.

Regarding to claim 13, Krishnamurthi et al (US 6,198,929) teaches system and method for mobile switching center initiated service negotiation, Machida (US 6,470,184) teaches mobile communication system in which traffics are equalized, Kadoshima et al (US 6,526,282) teaches method and apparatus for controlling the restriction on traffic in mobile communication system, Alajoki et al (US 6,258,875) teaches traffic management system for use in mobile communication network. The

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teaching of these prior arts either combined or alone fails to teach a step of notifying a special message having inserted therein call-number changing information regarding the increases and decreases of call-numbers to a switching center as a connection destination connected by the handover when the event is detected at the event detecting step; a step of receiving a reply regarding a desired call to continue selected by the first multicall communication mode supporting terminal from the plurality of calls notified by the special message created at the special message notifying step; and a step of rearranging the handover in such a manner that the desired call to continue designated by the reply received at the reply receiving step is maintained in connection and an undesired call to continue, the undesired call is not selected from the plurality of calls by the first multicall communication mode supporting terminal.

Dependent claims 14-15 are allowable for the same reason.

Regarding to claim 16, Krishnamurthi et al (US 6,198,929) teaches system and method for mobile switching center initiated service negotiation, Machida (US 6,470,184) teaches mobile communication system in which traffics are equalized, Kadoshima et al (US 6,526,282) teaches method and apparatus for controlling the restriction on traffic in mobile communication system, Alajoki et al (US 6,258,875) teaches traffic management system for use in mobile communication network. The teaching of these prior arts either combined or alone fails to teach a first transmitting step for transmitting a handover request from the mobile-service switching center to a mobile-service switching center as a connection destination to be connected by the handover; a second transmitting step for transmitting a message containing data

indicative of a number of calls allowable to continue based on the capacity and the congesting state of the mobile-service switching center as a connection destination, the message is transmitted from the mobile-service switching center as a connection destination at the first transmitting step; and a call-number notifying step for transmitting a message indicative of an additional number of calls allowable to continue from the mobile-service switching center to the first multicall communication mode supporting terminal, if the number of calls, the number is contained in the message sent at the second transmitting step, allowable to continue is larger than the current number of calls supported by the first multicall communication mode supporting terminal.

Dependent claims 17-18 are allowable for the same reason.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T Le whose telephone number is 703-305-4538. The examiner can normally be reached on 08:00-05:00 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhan T. Le


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